IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4231 of 2007()

CMP.2087/2007 of J.M.F.C.-II, CHENGANNUR
CRIME NO.94/2004 OF VENMONY POLICE STATION, ALAPUZHA DISTRICT

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PETITIONER/ACCUSED NO.1:

GEORGE THARAKAN AGED 38 YEARS,
S/P.O.C. THARAKAN, F-2 MARORA BUILDING,
AQVEM, ALTO , MARGOA, GOA.

BY ADV. SRI.PRADEESH CHACKO

RESPONDENTS: COMPLAINANT:

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1. DEPUTY SUPERINTENDENTL OF POLICE,
CHENGANOOR POLICE STATION, CHENGANOOR,
ALAPPUZHA DISTRICT.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4231 of 2007

Dated this the 12th day of July 2007

O R D E R

Application for regular bail. The petitioner is the registered owner of a lorry which was allegedly involved in the transportation of 35 x 230 litres of spirit on 28/9/2004. When the vehicle was intercepted, the driver and the cleaner allegedly took to their heels and could not be arrested. The petitioner is the owner of the vehicle and he was arrested on 28/6/2007. The contraband article was allegedly consigned to the second accused. He has already been arrested and released on bail. Accused 3 and 4 - the driver and the conductor have not been arrested so far.

2. The learned counsel for the petitioner submits that the petitioner has as many as nine lorries and he has no contumacious knowledge or specific part to play in the alleged crime committed. He has been continuing in custody from 28/6/2007. He may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not seriously oppose the application. In response to a specific query by this court, the learned Public Prosecutor concedes that the case diary does not contain any specific information to suggest that the petitioner was actually involved in any manner in the commission of the crime by those who were present in the vehicle, at the time of interception. The learned Public Prosecutor submits that the employees of the petitioner have not been arrested so far and in these circumstances the investigating officer may be given some further time to complete the investigation before the petitioner is enlarged on bail.

4. Having considered all the relevant inputs, I am persuaded to agree that the petitioner can now be directed to be released on bail subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 23/07/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

iv) The petitioner shall, on his release from custody, furnish to the investigating officer, the address of his residence. He shall keep the investigating officer informed of change in such address, if any, thereafter.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007